

MINUTES OF SEA CLIFF VILLAGE BOARD
March 14, 2016

The meeting of the Incorporated Village of Sea Cliff was held on Monday, March 14, 2016, at 7:00 p.m. at Village Hall to discuss various Village matters.

Present: Bruce Kennedy, Mayor
 Edward Lieberman, Deputy Mayor
 Kevin McGilloway, Village Trustee
 Robin Maynard, Village Trustee
 Marianne Lennon, Village Clerk
 Brian Stolar, Village Attorney

Absent: Dina Epstein, Village Trustee

Mayor Bruce Kennedy

Welcome to the Board Meeting of March 14, 2016

Scott Whiting led the audience in the Pledge of Allegiance.

The first order of business is a Public Hearing to solicit proposals for housing and community development projects that the Village should undertake during the 2016-2017 program year.

The Mayor introduced Erinn McDonnell, Plan Administrator, who gave an overall review of current projects.

The Public Hearing was opened for Public Comment: No comments were made.

On a motion by Trustee Maynard, seconded by Deputy Mayor Lieberman and unanimously approved by those present, the Public Hearing was closed.

The second order of business was a Public Hearing for the renewal of a Cabaret License for Metropolitan Bistro.

William Long, owner, was present.

The Public Hearing was opened for Public Comment: No comments were made.

On a motion by Trustee McGilloway, seconded by Trustee Maynard and unanimously approved by those present, the Public Hearing was closed.

The third order of business was a Public Hearing for the renewal of a Cabaret License for Still Partners.

Dan Roth, owner, was present.

The Public Hearing was opened for Public Comment: No comments were made.

On a motion by Deputy Mayor Lieberman, seconded by Trustee Maynard and unanimously approved by those present, the Public Hearing was closed.

Jeff Clark, Director of Government Affairs for Cablevision, spoke to the Board regarding the merger of Cablevision with Altice, N.V. and the impact of this transaction on the cable franchise in the Village.

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On a motion by Trustee Maynard, seconded by Trustee McGilloway and unanimously approved by those present, the Board approved Abstract No. 5.03.2016 in the amount of \$113,311.78.

On a motion by Trustee McGilloway, seconded by Trustee Maynard and unanimously approved by those present, the minutes of March 4, 2016 and March 7, 2016 were hereby approved.

On a motion by Deputy Mayor Lieberman, seconded by Trustee Maynard and unanimously approved by those present, the Mayor was authorized to sign the Town of North Hempstead GIS stormwater project IMA subject to final review and approval as to form by the Village Attorney and the Board defers lead agency status for purposes of SEQRA to the Town of North Hempstead.

Mayor Kennedy offered the following resolution for adoption:

RESOLUTION NO. 8, YEAR 2016

A RESOLUTION AUTHORIZING THE SUBRECIPIENT TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF NASSAU FOR THE 42nd PROGRAM YEAR, FOR THE PURPOSE OF UNDERTAKING A COMMUNITY DEVELOPMENT PROGRAM UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED

WHEREAS, the Secretary of the U.S. Department of Housing and Urban Development is authorized under Title I of the Housing and Community Development Act of 1974, as amended, to make grants to states and other units of general local government to help finance Community Development Programs; and

WHEREAS, the Secretary of the U.S. Department of Housing and Urban Development has approved a Community Development Program; and

WHEREAS, pursuant to said Cooperative Agreement, the **COUNTY** and the **SUBRECIPIENT** have agreed to undertake project activities using Community Development Block Grant Funds to be received by the **COUNTY** from the U.S. Department of Housing and Urban Development; and

WHEREAS; the Secretary of the U.S. Department of Housing and Urban Development has approved an application for Community Development Block Grant Funds, under Title I of the Housing and Community Development Act of 1974, as amended by the **COUNTY** and;

WHEREAS, the Board of Trustees of the Incorporated Village of Sea Cliff deems it to be in the public interest for the **SUBRECIPIENT** to enter into said proposed Agreement for the purpose of undertaking project activities therein set forth, under Title I of the Housing and Community Development Act of 1974, as amended.

NOW, THEREFORE, BE IT RESOLVED, that Mayor Bruce Kennedy be and he hereby is authorized to execute an Agreement between the **SUBRECIPIENT** and the County of Nassau for the purpose of undertaking project activities under Title I of the Housing and Community Development Act of 1974, as amended.

On a motion by Trustee McGilloway, seconded by Deputy Mayor Lieberman and unanimously approved by those present, the resolution was hereby adopted.

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Mayor Kennedy offered the following resolutions for adoption:

RESOLUTION NO. 9, YEAR 2016

FINDINGS OF FACT

1. **DANIEL J. ROTH** and **RAYMOND CAPONE JR.** have applied to the Board of Trustees for a renewal license pursuant to Chapter 50 of the Code of the Village of Sea Cliff (the "Village Code") to conduct, maintain or operate, or engage in the business of conducting, maintaining or operating, a cabaret, discotheque, or similar place of entertainment at premises located at 225 Sea Cliff Avenue, Sea Cliff, New York (the "Subject Premises"), which is part of premises designated as Section 21, Block 137, Lots 1283, 1284 and 1329, inclusive, on the Nassau County Land and Tax Map (the "Property").
2. Applicants have requested a license for Mondays, Thursdays and Fridays from 7pm-11pm and Saturdays from 12pm to 11pm.

CONCLUSIONS OF LAW AND LICENSE CONDITIONS

1. To use the Premises as proposed, an application must be made for a license pursuant to Chapter 50 of the Village Code.
2. The Board has considered the application and the testimony presented at the public hearing, and finds that the application should be granted subject to the conditions set forth herein.
3. The Board hereby directs the Village Clerk to issue a License to applicants, **DANIEL J. ROTH** and **RAYMOND CAPONE JR.**, pursuant to the provisions of Village Code chapter 50, subject to the following conditions:
 - a. Music shall be permitted on Mondays, Thursdays and Fridays from 7pm-11pm and Saturdays from 12pm to 11pm.
 - b. The music shall be performed at a sufficiently low volume level, and the Premises shall contain sufficient sound attenuation or baffling, so as to permit persons located directly outside the building to speak in a modulated voice and be heard by others with whom they are conversing over the volume of the music. Sound proofing material, devices or modifications shall be added as necessary to satisfy this condition.
 - c. No tables or chairs shall be moved to accommodate dancing while music is playing. The pool table may be moved to accommodate musical performers.
 - d. All music shall be performed inside the restaurant, and all musicians and equipment shall be located inside the building. The staging for the music will take place in the back of the restaurant. The applicants will provide sound equipment, which shall be set up within the bar, and shall have full control of the volume of the music at all times. Performers will only be permitted to use their own instruments, as the sound equipment will be as provided above. The ceiling shall be soundproofed.
 - e. No shows, other entertainment or karaoke of any nature is permitted.
 - f. No cover charge shall be permitted in connection with the music.
 - g. All doors and windows in the restaurant area shall be kept closed during the performance hours except for normal and customary ingress and egress of patrons.
 - h. Applicants shall obtain all necessary municipal approvals, and shall comply with all orders, rules, regulations and laws of municipal agencies, including the Nassau County Fire Marshal and Nassau County Department of Health.
 - i. Applicants shall submit a verified statement from Raymond Capone Jr. to acknowledge that service made on Daniel J. Roth of any notices or summons issued by the Village or any Village designated employee with respect to violations of any law or any violation of the conditions set forth herein shall be deemed service upon Raymond Capone Jr. The statement shall be co-signed by both co-applicants.
 - j. Applicants shall provide additional noise attenuation features, if determined to be required by the building department either prior to the commencement, or during the term, of this license.
 - k. All conditions and restrictions set forth in Village Code chapter 50.

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4. Pursuant to Village Code §50-8, the License shall be effective from March 14, 2016 through January 31, 2019.
5. Based upon the representations of the applicants and the specific nature and intensity of the proposed use, the Board has granted the License requested with appropriate conditions. In accordance with the provisions of chapter 50, the License granted herein shall be limited to the applicants and the currently proposed use of the Premises. The License shall not be transferred or assigned to any other person or used by any person other than the applicants, nor shall the License be used for any location other than the Premises. Any change of ownership or in the operator of the restaurant or any change or modification of the use, even though the general nature of the modified use shall be similar or identical to the present use for a restaurant, shall require re-application to the Board.
6. Given the proximity of the firehouse to the premises, applicants shall control performers, deliveries and set up and take down in a manner that does not create any obstruction on Roslyn Avenue.
7. The application is a Type II matter under the State Environmental Quality Review Act, the Board is the lead agency, and no further environmental review is required to be undertaken by the Board.

On a motion by Deputy Mayor Lieberman, seconded by Trustee Maynard and unanimously approved by those present, the resolution was hereby adopted.

RESOLUTION NO. 10, YEAR 2016

FINDINGS OF FACT

1. WILLIAM LONG is the operator of a restaurant business known as Metropolitan Bistro and conducted on the premises located at 39 Roslyn Avenue (the "Subject Premises"), which is part of premises designated as Section 21, Block 134, Lot 1 on the Nassau County Land and Tax Map (the "Premises"). The Premises is located in a Business A Zoning District and is located on the corner of 10th Avenue and Roslyn Avenue.

2. Applicant requests a renewal license pursuant to Chapter 50 of the Code of the Village of Sea Cliff (the "Village Code") to conduct, maintain or operate, or engage in the business of conducting, maintaining or operating, a cabaret, discotheque, or similar place of entertainment at the Premises.

3. Applicant has requested a license for Wednesday, Thursday and Friday nights from 7:00pm to 11:00pm.

CONCLUSIONS OF LAW

4. To use the Subject Premises as proposed, an application must be made for a license pursuant to Chapter 50 of the Village Code.

5. The Board has considered the application and the testimony presented at the public hearing, and finds that the application should be granted subject to the conditions set forth herein.

6. The Board hereby directs the Village Clerk to issue a License to applicant **William Long** pursuant to the provisions of Village Code chapter 50, subject to the following conditions:

- a. Music shall be permitted on Wednesday, Thursday and Friday nights from 7:00pm to 11:00pm.
- b. The music shall be performed at a sufficiently low volume level, and the Premises shall contain sufficient sound attenuation or baffling, so as to permit persons located directly outside the building to speak in a modulated voice and be heard by others with whom they are conversing over the volume of the music. Sound proofing material, devices or modifications shall be added as necessary to satisfy this condition.

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- c. No tables or chairs shall be moved to accommodate dancing while music is playing.
 - d. All music shall be performed inside the restaurant, and all musicians and equipment shall be located inside the building.
 - e. No shows, other entertainment or karaoke of any nature is permitted.
 - f. No cover charge shall be permitted in connection with the music.
 - g. All doors and windows in the restaurant area shall be kept closed during the performance hours except for normal and customary ingress and egress of patrons. The bay windows shall not be opened in any manner while music is playing at the Premises.
 - h. Musicians may be located inside the rear of the Premises so long as the other conditions herein are met.
 - i. Applicant shall obtain all necessary municipal approvals, and shall comply with all orders, rules, regulations and laws of municipal agencies, including the Nassau County Fire Marshal and Nassau County Department of Health.
 - j. As set forth in the application, applicant acknowledges that service made on Shane Dommin of any notices or summonses issued by the Village or any Village designated employee with respect to violations of any law or any violation of the conditions set forth herein shall be deemed service upon William Long.
 - k. Applicant shall provide additional noise attenuation features, if determined to be required by the building department either prior to the commencement, or during the term, of this license.
 - l. All conditions and restrictions set forth in Village Code chapter 50.
7. Pursuant to Village Code §50-8, the License shall be effective from March 14, 2016 through January 31, 2019.
8. Based upon the representations of the applicant and the specific nature and intensity of the proposed use, the Board has granted the License requested with appropriate conditions. In accordance with the provisions of chapter 50, the License granted herein shall be limited to the applicant and the currently proposed use of the Subject Premises. The License shall not be transferred or assigned to any other person or used by any person other than the applicant, nor shall the License be used for any location other than the Subject Premises. Any change of ownership or in the operator of the restaurant or any change or modification of the use, even though the general nature of the modified use shall be similar or identical to the present use for a restaurant, shall require re-application to the Board.
9. The application is a Type II matter under the State Environmental Quality Review Act, the Board is the lead agency, and no further environmental review is required to be undertaken by the Board.

On a motion by Deputy Mayor Lieberman, seconded by Trustee Maynard and unanimously approved by those present, the resolution was hereby adopted.

Public Comment:

- Resident requested status of a restaurant on Summit Avenue

Meeting adjourned at 7:35p.m.